metal at a time when it was desperately needed. I say it is time to close the gold gap domestically to at least stop the substantial leak of our monetary gold national stocks brought about by the disparity between consumption and production.

In conclusion, permit me to say that more thought and effort should be directed by our Treasury officials to the desirability of a revaluation of gold and an eventual return to the gold standard in order to stabilize international trade relationships for the last third of this century.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Senate will now proceed to the transaction of routine morning business, with statements limited to 3 minutes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. ERVIN] may be recognized for up to one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield to me without the time being taken from his time?

Mr. ERVIN. I yield.

AMENDMENT OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the transaction of routine morning business is concluded, that Calendar No. 492, S. 2171, be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2171) to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW—PROGRAM FOR TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate—and this is subject to change—it is the intention of the leadership, and at this time I ask unanimous consent, that when the Senate completes its business today it stands in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. At that time the nomination on the calendar will become the pending business, to be followed by the independent offices appropriation bill if there are no objections to its consideration.

WHY THE CIA AND NSA SHOULD NOT BE EXCLUDED FROM THE PROVISIONS OF S. 1035, THE BILL TO PROTECT EMPLOYEE RIGHTS

Mr. ERVIN. Mr. President, I deeply regret that a last-minute request from the Central Intelligence Agency necessarily requires the leadership of the Senate to postpone consideration—until after the expiration of the Labor Day recess—of S. 1035, a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

This is a bill which has been cosponsored by more than 50 Members of the Senate. It must be passed. It must become law, if the employees of the executive departments and agencies of the Federal Government are to be able to stand up in dignity and enjoy the same rights which belong as a matter of course to all other Americans.

The predecessor bill to S. 1035 was introduced approximately a year ago. The Subcommittee on Constitutional Rights of the Committee on the Judiciary conducted extensive hearings on the predecessor bill. It accorded both the CIA and the National Security Agency, which now ask to be exempted from the provisions of the bill, full opportunity to be heard before the subcommittee in opposition to it.

Representatives of both agencies advised me in person, and also advised members of the subcommittee staff, that they did not desire to be heard before the subcommittee with respect to the bill.

Notwithstanding that fact, I met with representatives of both agencies and listened to what they had to say concerning the bill.

The CIA filed with me a 10-page statement concerning objections it had to the bill. Like any CIA greeting of "good morning," however, the statement was marked "Secret." I cannot use it. I wish I could use it, because I could take it and lay it alongside the bill and make it clear that I have amended the present bill to meet every valid objection the CIA voiced to the original version.

I would welcome nothing with more delight than to have officials of the CIA come to an open hearing before a congressional committee. This is true because such action would afford me an opportunity to show how specious their objections are to the inclusion of the CIA in the bill.

Again this year, I held conferences with officials of both agencies and informed them that I would be glad to see that the subcommittee gave them a hearing on the bill, if they so desired. I was again informed by their representatives—that the agencies did not desire any hearing.

Representatives of the CIA have been in constant communication with members of the subcommittee staff and have kept abreast of all developments with respect to the bill. They have known that the bill was on the agenda of the Committee on the Judiciary for several weeks. Likewise, they have known that on the 21st day of this month, the full Committee on the Judiciary, after adopting an amendment which gave some exemptions to the CIA and the National Security Agency—which, in my judgment, they should not have—reported the bill unanimously and favorably to the Senate.

Mr. President, the CIA waited until the end of last week and then for the first time undertook to demand that it be allowed a secret hearing before the Judiciary Committee in support of its wish to be totally excluded from the provisions of this bill.

I am going to make a suggestion to the CIA; namely, that some of its officials read title 18, section 1913 of the United States Code—especially those provisions which are in these words:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service—

I now omit certain words which are not germane—

> intended or designed to influence in any manner a Member of Congress to favor or oppose by vote, or otherwise, any legislation . . . by Congress whether before or after the introduction of any bill or resolution proposing such legislation.

Mr. President, I am going to have the temerity to suggest that the CIA investigate to see whether or not any of its officers have been violating that statute—that is, if the CIA can lay aside its zeal to excercise unlimited powers of tyranny over their employees and those who apply to it for employment long enough to do so.

I would like to make this plain. I am opposed to the Judiciary Committee's holding any secret meeting to hear officers of the Central Intelligence Agency give reasons which canont be divulged to the American people why their employees should be robbed of the dignity and the freedom which all other Americans enjoy. I do not believe that legislation affecting the rights of any Americans should be based on secret testimony. Such action is incompatible with a free society.

I see no pratical or policy reasons for granting this request, and I find no constitutional grounds for it. It is neither necessary nor reasonable.

The men who drafted the Constitution envisioned a government of laws, not of men. They meant that wherever our national boundaries should reach, there the controls established in the Constitution should apply to the actions of government. The guarantees of the amendments hammered out in the State constitutional conventions and in the meetings of the First Congress had no limitations. They were meant to apply to all Americans; not to all Americans with the exception of those employed by the Central Intelligence Agency and the National Security Agency.

My research has revealed no language in our Constitution which envisions enclaves in Washington, Langley, or Fort Meade, where no law governs the rights of citizens except that of the director of an agency. Nor have I found any decision

of the highest court in the land to support such a proposition.

Why, then, do these agencies want to be exempt from this bill?

Is it that, unbeknown to Congress, their mission is such that they must be able to order their employees to go out and lobby in their communities for open-housing legislation or take part in Great Society poverty programs—things which this bill would prohibit?

Must they order them to go out and support organizations, paint fences, and hand out grass seeds, and then to come back and tell their supervisors what they did in their spare time, and at their own expense, and on their weekends?

Do they have occasion to require their employees to go out and work for the nomination or election of candidates for public office? Must they order them to attend meetings and fundraising dinners for political parties in the United States?

Do they not know how to evaluate a secretary for employment without asking her how her bowels are, if she has diarrhea, if she loved her mother, if she goes to church every week, if she believes in God, if she believes in the second coming of Christ, if her sex life is satisfactory, if she has to urinate more often than other people, what she dreams about, and many other extraneous matters?

Documents in the files of the subcommittee show these particular agencies have been asking these questions of persons applying to them for employment.

Why do these two agencies want the license to coerce their employees to contribute to charity and to buy bonds? The subcommittee has received fearful telephone calls from employees stating that they were told their security clearances would be in jeopardy if they were not buying bonds, because it was an indication of their lack of patriotism.

Why should Congress grant these agencies the right to spend thousands of dollars to go around the country recruiting on college campuses, and the right to strap young applicants to machines and ask them questions about their family, and personal lives such as—

When was the first time you had sexual relations with a woman?

How many times have you had sexual intercourse?

Have you ever engaged in homosexual activities?

Have you ever engaged in sexual activities with an animal?

When was the first time you had intercourse with your wife?

Did you have intercourse with her before you were married?

How many times?

What an introduction to American Government for these young people.

The subcommittee has also received comments from a number of professors indicating the concern on their faculties that their students were being subjected to such practices.

That we are losing the talent of many qualified people who would otherwise choose to serve their Government is illustrated by the following letter:

I am now a Foreign Service Officer with the State Department and have been most favorably impressed with the Department's security measures.

However, some years ago I was considered for employment by the CIA and in this connection had to take a polygraph test. I have never experienced a more humiliating situation, nor one which so totally violated both the legal and moral rights of the individual. In particular, I objected to the manner in which the person administering the test posed questions, drew subjective inferences and put my own moral beliefs up for justification. Suffice it to say that after a short time I was not a "cooperative" subject, and the administrator said he couldn't make any sense from the polygraph and called in his superior, the "deputy chief."

The deputy chief began in patronizing, reassuring tones to convince me that all he wanted was that I tell the truth. I then made a statement to the effect that I had gone to a Quaker school in Philadelphia, that I had been brought up at home and in school with certain moral beliefs and principles, that I had come to Washington from my university at the invitation of the CIA to apply for a position, not to have my statements of a personal and serious nature questioned not only as to their truth but by implication as to their correctness, and that I strongly objected to the way this test was being administered.

The deputy chief gave me a wise smile and leaning forward said, "Would you prefer that we used the thumb screws?" (!) I was shocked at this type of reasoning, and responded that I hardly thought it was a question of either polygraph or the thumb screws.

This incident almost ended the deep desire I had for service in the American Government, but fortunately I turned to the Foreign Service. But if it happened to me it must have happened and be happening to hundreds of other applicants for various Federal positions.

On the subject of polygraphs, the AFL–CIO in 1965 stated:

The AFL–CIO Executive Council deplores the use of so-called "lie detectors" in public and private employment. We object to the use of these devices, not only because their claims to reliability are dubious but because they infringe on the fundamental rights of American citizens to personal privacy. Neither the government nor private employers should be permitted to engage in this sort of police state surveillance of the lives of individual citizens.

Legislatures in five States and several cities have already outlawed these devices, and many unions have forced their elimination through collective bargaining.

The Director of the Federal Bureau of Investigation has said they are unreliable for personnel purposes.

Why should Congress take a step backward by specifically authorizing their continued use on American citizens in these two agencies to ask about their sex lives, their religion, and their family relationships?

Bear in mind that, reprehensible as these lie detectors are, the bill only limits their use in certain areas, and the Director of each of these agencies, under the amendment, may still authorize their use if he thinks it necessary to protect the national security. Personally, I fear for the national security if its protection depends on the use of such devices.

Similarly, the question may be asked, why should these agencies force their employees to disclose all of their and their families' assets, creditors, personal and real property, unless they are responsible for handling money? Nevertheless, under the bill, the CIA and NSA have been granted the exemption they wished, to require their employees to disclose such information, if the director says it is necessary to protect the national security. What more do they want?

This bill, as amended, would give them this privilege.

Apparently, what they want is to stand above the law.

Taken all together, their arguments for complete exemption suggest only one conclusion—that they want the unmitigated right to kick Federal employees around, deny them respect for individual privacy and the basic rights which belong to every American regardless of the mission of his agency.

The idea that any Government agency is entitled to the "total man" and to knowledge and control of all the details of his personal and community life unrelated to his employment or to law enforcement is more appropriate for totalitarian countries than for a society of freemen. The basic premise of S. 1035 is that a man who works for the Federal Government, even if he works for the CIA or NSA, sells his services, and not his soul.

Mr. HRUSKA. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to my friend the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I listened with interest to the remarks of the author of the bill of rights for Government employees. It was my privilege to sit in and participate in many of the hearings concerning this bill. It was an admirable performance on the part of the Senator from North Carolina, because he was able to elicit much information under very difficult situations, sometimes in areas that are quite sensitive; and yet there has been a record compiled which, in my belief, will make it mandatory upon the Senate to approve the bill.

It has been my pleasure to be one of the cosponsors. Later in the day I expect to speak on the subject briefly, in an introductory way, to add to the information that will be available to our fellow Senators when this bill will actually come before this body.

It had been my understanding that the bill was set for debate and disposition today; and I ask the Senator from North Carolina, was there a change in the program?

Mr. ERVIN. My information is that the Central Intelligence Agency requested of the leadership, at the last moment, that the bill go over, and that the leadership, felt that under the circumstances it was necessary to accede to that request.

Mr. HRUSKA. What is the motivation for a body outside of Congress to ask for a delay in consideration of a bill?

Mr. ERVIN. The action of the CIA is without precedent during the 13 years I have been in the Senate. The bill had been reported to the Senate unanimously by the Committee on the Judiciary. The CIA had been kept constantly informed through the liaison between its representatives and the subcommittee

staff of everything that had occurred in the progress of the bill.

Instead of coming before the committee or subcommittee during the last 12 months and asking for a hearing, the CIA, which does not want to have any restrictions upon its activities, which does not want to be called into account by its employees under any circumstances, and which wants to be exempted from the provisions of law that ought to apply to every other agency in this country, arbitrarily decided to come in at the last minute and make this request, notwithstanding it could have made it at any time during the previous 12 months.

Mr. HRUSKA. I would not think that the motivation of the CIA would be for the purpose of gaining time to contact individual Members of this body, hoping to persuade them to change their minds on the matter. After all, there is a statute which says no such lobbying, no such influencing, no such direct contact with a Senator shall be made by department or employee of the executive branch, except in response to questions which might be posed.

I do not think that possibly could be one of the reasons they would have asked for the delay in consideration of the bill. Has the Senator any thought on that subject?

Mr. ERVIN. I quoted the statute at the outset of my remarks, and I suggested that if the CIA could leave its polygraph machine long enough and abandon its psychological tests long enough, it might conduct an investigation to see whether any of its officials or representatives are violating the statute by lobbying with individual Senators.

Mr. HRUSKA. We normally should presume they would not do anything that is against the law, and I would favor them with that kind of presumption. It would be interesting to find out, though, in the course of the next couple of weeks, what actually may have transpired, if our colleagues will tell us whether they have been sought out.

Mr. ERVIN. Despite information reaching me about what has occurred in the immediate past, and my apprehension as to what will occur in the immediate future, I nevertheless hope that the presumption of innocence will continue to surround the CIA.

Mr. HRUSKA. The observation has been made that since their operation is somewhat unique, and secrecy is inherent, they should be granted an exemption from the provisions of the bill. But I understand they have had ample opportunity to testify in the hearings. Has any showing been made in public, or has it all been in executive session?

Mr. ERVIN. I asked representatives of both these agencies last year, and again this year, if they wanted to have hearings before the subcommittee with respect to this bill. They informed me that they did not. They told me that they would like to come and present their views to me individually and privately; and I heard them in private both last year and this year at great length. Moreover, I assert that the bill in its present form takes care of every valid objection they made.

In addition to that, I am informed by members of the subcommittee staff that the CIA in particular, through its representatives, has been in constant communication with members of the subcommittee staff, and has been kept advised as to all of the developments with respect to this bill.

I wish to state here that so far as I know, the NSA has not participated in these last-minute maneuvers to postpone consideration of this bill, which ought to be passed as speedily as possible, in order that Federal employees in the executive departments and agencies of this Government might be able to stand erect in dignity, and enjoy the same rights which come as a matter of course to all other Americans.

Mr. HRUSKA. Mr. President, I wish to observe that I certainly am not hostile to the CIA. I have not been in sympathy with some of the efforts made in this body to open the CIA and the administration of its affairs to a so-called "watchdog" committee or committee of supervision. I have great faith in them, and I have great faith in their ability to accomplish their mission.

But at the same time, they cannot be permitted to use methods that will trample upon the constitutional rights of their employees or applicants for employment. The record shows they have used such employment practices in recent years.

In a nation which extends to those charged with crime, and even those convicted of crime, a great many constitutional rights without, apparently, any fear of jeopardizing our national security, then certainly citizens working for the CIA, or applying for employment there, should be accorded those fundamental constitutional rights. It would be derelict if this body and Congress generally did not take action to achieve that end.

Mr. ERVIN. Certainly the CIA was created by Congress to perform a most important service—namely, to protect the national security of the United States. Letters in the committee files and interviews with persons who, in times past, applied to CIA for employment, suggest to me that many of the brightest minds among the youth of this Nation, who wanted to work for the CIA, have refused to take jobs with them because of the very deplorable personnel practices they have, in subjecting their applicants for employment to insulting polygrapth tests and insulting psychological tests. The CIA is driving away from Government employment some of the brightest minds of the youth of this Nation.

Mr. HRUSKA. I should like to propound this question to the distinguished Senator from North Carolina: Does this bill propose to prohibit the asking of certain questions either during polygraph tests or otherwise, as a part of hiring, placement, or employee evaluation practices?

Is there anything in the pending bill which would prevent those agencies, including the CIA, from asking a third person questions in the fields in which direct inquiry is prohibited?

Mr. ERVIN. Under the original bill, they can ask anybody out of all the earth's inhabitants any questions about their employees or applicants for employment except three sets of questions which the original bill forbid them to put to an employee or an applicant for employment.

They are prohibited by the original bill from asking employees or applicants about their personal relationships with members of their own families, about matters of religion, or about attitudes and practices in matters of sex.

I might state, as the Senator knows, that the full committee added an amendment to the original bill which allows the Director of the CIA and the Director of the NSA to put even these three sets of forbidden questions to an employee or applicant if the Director finds it necessary to do so in order to promote national security.

Mr. HRUSKA. I do recall that amendment, and I would have no objection to it. However, if there is an attempt to amend the pending bill to grant to the CIA a flat exemption from all its terms and provisions, I not only will oppose such an amendment, but will also look with great favor upon an effort to take from the bill the limited exemption which was agreed to in the full committee.

I just mention that to the Senator from North Carolina as a bit of gratuitous information.

Mr. ERVIN. Mr. President, that assurance gives great strength and encouragement to the Senator from North Carolina.

We have a record relating to this bill which consists of 966 pages, and it shows the necessity for passing the pending bill in its present form as to all executive departments and agencies of the Federal Government.

In addition, the subcommittee has literally thousands of letters in its files setting forth things such as the information set out in the record of the hearings.

I venture the assertion that if each Senator could find the time to read this voluminous record, there would not be a single dissenting vote on the final passage of the pending bill. And moreover, I predict that, in that event, there would not be a vote to exclude any Federal department or agency from the coverage of the bill.

Mr. HRUSKA. Mr. President, again I assert no hostility toward the CIA. That is not the reason some of us are opposed to completely exempting the CIA from the terms and provisions of the pending bill. It is because they have been the greatest transgressors in this regard, as shown by the record.

Mr. ERVIN. The information received by the subcommittee shows that the use of polygraph tests has been abandoned by virtually every department and agency except the CIA and the NSA, which agencies for some strange reason persist in using this machine which can only be described as a species of 20th-century witchcraft.

It is my understanding that no court in this land will permit a polygraph test to be admitted in evidence.

Mr. HRUSKA. What are the reasons for that exclusion?

Mr. ERVIN. The reason for the exclusion is that the machine is of the most dubious value. The machine cannot interpret itself. The results of the tests must be interpreted by an operator. The machine merely measures physiological reactions as blood pressure, the pumping of adrenalin by the adrenal glands into the blood stream, and the like as a result of excitement and stimulation.

I had occasion as a North Carolina superior court judge to study polygraph tests when the alleged result of a polygraph test was offered in evidence by the prosecution in a murder case.

I gave close study to the matter. I came to the conclusion—a conclusion that is shared by many others—that a brazen liar can pass a polygraph test without any difficulty, but that a nervous or excitable individual or an individual who resents being insulted, no matter how truthful he may be, is not likely to do so.

I am frank to confess, when I think about the information in the committee file concerning the conduct of the CIA in the administration of tests of this kind, that I could not pass a polygraph test because my blood pressure shoots up too high.

Mr. HRUSKA. As I understand the Senator from North Carolina, despite the exclusion of the results of the polygraph tests in courts, the CIA still resorts to the polygraph machine in its employment practices.

Mr. ERVIN. The Senator is correct. And they do this notwithstanding the fact that a number of States have absolutely outlawed it for employment purposes, as is set out in the record of hearings.

Pages 419 and 420 disclose the fact that the State of Massachusetts has a statute providing that—

No employer shall require or subject any employee to any lie detector tests as a condition of employment or continued employment.

The State of Oregon has a statute providing that—

No person, or agent, or representative of such person, shall require as a condition for employment or continuation of employment, any person or employee to take a polygraph test or any form of a so-called lie-detector test.

The State of Rhode Island has a statute providing that—

No employer or agent of any employer shall require or subject any employee to any lie-detector tests as a condition of employment or continued employment.

The State of Hawaii has a statute providing that—

It shall be unlawful for a private employer or his agent, or an agent of a public employer to require an employee to submit to a polygraph or lie-detector test as a condition of employment or continued employment.

Yet, in the face of those statutes which reflect a strong public sentiment in those States, the CIA insists on subjecting employees and applicants to lie-detector tests as a condition of employment or continued employment. And the bill permits it to continue to use the test in all cases except it prohibits the operator from asking three categories of questions unless the Director finds that putting them to the employee or applicant is necessary for national security purposes. Polygraph tests ought to be outlawed. However, practical considerations have deterred the sponsors of the bill from attempting to do so at this time.

The Warren Commission had this to say, as set out on page 419 of the hearings:

In evaluating the polygraph, due consideration must be given to the fact that a physiological response may be caused by factors other than deception, such as fear, anxiety, neurosis, dislike and other emotions. There are no valid statistics as to the reliability of the polygraph * * *

PROTECTION OF GOVERNMENT EMPLOYEES

Mr. HRUSKA. Mr. President, as a member of the Constitutional Rights Subcommittee, which has devoted extensive hearings to the question of the existing relationship between the Federal Government and Federal employees, I am pleased to be a cosponsor of S. 1035, and I am pleased to speak in its behalf.

Consideration of this bill also offers the opportunity for me to commend the subcommittee chairman, the Senator from North Carolina [Mr. ERVIN] for his perceptive work and tireless efforts. Senator ERVIN is a man who believes that a living constitution is one to be obeyed, not one to be redefined for the sake of expediency.

This bill is a tribute to his efforts to protect the individual from the good intentions of the Government.

Subcommittee hearings over the last three Congresses have documented the need to protect the employee. However well intentioned the Civil Service Commission, however voluntary the study, however beneficial the goal of surveys and fund drives, the fact remains that the individual has been coerced into revealing personal information, forced to account for his off-duty hours, and compelled to donate his time and money to projects and drives. His integrity has been questioned without reason and, in extreme cases, he has been stripped of his dignity. All of this has been done in the name of high ideals.

The number of Federal employees in June of this year rose to 2,980,156. To those who take pride in the growth of our Government, it is an impressive figure. To me, among other things, it means a growing number of citizens are coming under an unjust employment system. Most employees will submit to these injustices, not because they don't care, but because they do not feel they can fight the system.

The provisions of this bill cannot be considered startling. They reaffirm the simple truth that the Government employee, as much as any citizen, has the right to privacy in his thoughts and personal life and the right to privacy in his offduty activities. But, in view of the evils sought to be remedied, the provisions of this bill must be considered far-reaching and vital.

Many present practices in the Federal Government, and those that are possible, epitomize the concept of big brotherism. The employee's history is compiled, his personal beliefs are pried into, his off-duty activities are monitored and directed, his personal finances are explored, and his attendance is required at motivational meetings supporting programs and drives to which he then is requested to devote his time and money. Some employees have been subjected to more humiliation than a criminal defendant, and without the guarantees of due process. There can be no justification for such wholesale, indiscriminate invasion of privacy.

The bill prohibits oral and written questions on the subject of race, religion, national origin, personal beliefs, and off-duty conduct. It prohibits required donation of time and money to projects and fund drives.

Last year's report on S. 3779 indicated that one department, by regulation, requested employees to participate in specific community activities promoting antipoverty, beautification, and equal employment. They were told to make speeches on many subjects, to supply grass seed for beautification projects, and to paint other people's houses. Most commendable public-spirited activities. But what business does the Government have issuing regulations on such a subject? What business does the Government have asking whether you believe in God, whether you hate your mother, what your sexual relation is with your wife? These policies are indefensible. It is the time for this Congress to decide how much of his dignity a man must surrender to work for this democratic government.

S. 1035 does more than declare the sense of Congress. It contains effective, efficient enforcement provisions. It is designed to insure the employee an effective remedy for a wrong while still protecting the employer from unjustified charges. The employee may go either to the court or to the Employee Rights Board, as he deems best.

In court, an aggrieved person may not only prevent abuse of his rights, but where appropriate, may receive redress. The Attorney General is empowered to defend any such action when it appears that the defendant, himself, was subject to directives and regulation or where his action was not a willful violation of the law. Such a provision protects supervisors and directors from baseless suits or innocent error while granting effective rights to the employee.

The Employee Rights Board provides an impartial means to administratively review questioned actions. Management is not judging its own actions and the employee is removed from the pressures and fears inherent in fighting the system.

Adequate provision is made in S. 1035 to insure that the Government will have qualified employees. If there are reasonable grounds to believe an employee has violated the law, is unqualified for a specific assignment, or may endanger the national security, there may be inquiry consistent with the concepts of fairness and due process.

Mr. President, the April 8 issue of the Omaha World-Herald contains an article originating in its Washington bureau, which is pertinent to the discussion in which I have engaged. I ask unanimous consent that it be inserted in the REC-

ORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald, Apr. 8, 1967]

U.S. EMPLOYEES SAY RIGHTS INVADED

The chairman of the Senate Constitutional Rights subcommittee has asked Defense Department opinion of a series of policy letters issued by an Omaha Army officer, which the Senator suggests are "misguided . . . paternalistic."

Senator Sam J. Ervin's (Dem., N.C.) letter to Secretary of Defense McNamara, which are tied to his long-continuing legislative battle to prevent unwarranted invasion into the private lives of military and civilian employes of the Government, deals with policy letters issued in January over the signature of Maj. Edward M. Corson, commander of the Armed Forces Examining and Entrance Station in Omaha.

Since the subcommittee began its investigation several years ago, it has received thousands of complaints from all the states from Federal employes contending that their rights have been invaded.

Mr. Ervin is the author of two pending bills, one relating to civilian employees and another to military personnel.

They are designed to prohibit coercion in solicitation of charitable contributions of the purchase of United States Savings Bonds—a frequent complaint—as well as requests for disclosure of race, religion and national origin, or pressure to attend functions, or reports on their outside activities unrelated to their work.

In one of his policy letters, Major Corson wrote that the President had urged Government personnel to buy Savings Bonds, and he said:

"All personnel of this station will aid this program by participation in the Army Savings Bond Program."

Of this, Senator Ervin told Secretary McNamara:

"Major Corson's enthusiasm on behalf of the savings bond drive appears to be misguided."

A memorandum issued by the Pentagon last December 21 says "The choice of whether to buy or not to buy a United States Savings Bond is one that is up to the individual concerned. He has a perfect right to refuse to buy and to offer no reason for that refusal."

In another policy letter, relating to military personnel, Major Corson wrote:

"Several functions and activities are planned and sponsored by this station during the course of the year. All personnel will attend such events unless excused by the commander because of extenuating circumstances, such as financial hardship, physical indisposure, leave, etc."

In another policy letter, the major said all personnel "are required to have at least two front seat belts in their privately owned vehicles." He said also that maximum travel in a privately owned vehicle on a two-day week end is 250 miles, for a three-day week end, 350 miles.

A number of Nebraska employes of the Federal Housing Administration protested FHA practices, particularly what they said was a requirement that questionnaires regarding outside employment include information on an employe's family and outside jobs held by them.

There was criticism of a regulation said to require information on either the sale or purchase of a residence even when FHA is not involved.

MAJOR CORSON: NO STATEMENT

Contacted in Omaha Friday, Major Corson said he has no statement at this time.

Russell M. Bailey, director of the Nebraska FHA, was asked for comment. He said his office follows the regulations of the Civil Service Commission and the Federal Employment Manual.

These include rules to avoid conflict of interest, he said, which is why questions are asked about outside employment and property purchases.

Mr. HRUSKA. Mr. President, there is no need for this powerful Government, with its resources and resourcefulness, to strip its employees of their rights, either to protect itself or to guide them. This Senator urges support of S. 1035 which is simply necessary and right.

Mr. President, I thank the Senator from North Carolina for yielding to me.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on today, August 29, 1967, he signed the enrolled joint resolution (H.J. Res. 394) making continuing appropriations for the fiscal year 1968, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS, INC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON COMMISSARY ACTIVITIES OUTSIDE THE CONTINENTAL UNITED STATES

A letter from the Acting Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report on commissary activities outside the continental United States, for the fiscal year 1967 (with an accompanying report); to the Committee on Commerce.

AMENDMENT OF PART I OF FEDERAL POWER ACT

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend part I of the Federal Power Act to clarify the manner in which the licensing authority of the Commission and the right of the United States to take over a project or projects upon or after the expiration of any license shall be exercised (with an accompanying paper); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on followup review of cotton inventory management by the Commodity Credit Corporation, Department of Agriculture, dated August 1967 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 27

"Joint resolution relative to revision of the Federal judiciary

"WHEREAS, There is a significant trend toward making the judiciary more responsive to the will of the people; and

"WHEREAS, Our republic is made greater and more complete when the electorate can exercise some degree of control over the judiciary; and

"WHEREAS, A majority of states have already seen fit to organize their judicial systems so as to provides for some means of control by the voters; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Members respectfully memorialize the Congress of the United States to revise the laws relating to the federal judiciary so as to provide that all federal judges be elected by the people in their respective districts every eight years; and be it further

"Resolved, That each judge shall run for retention by the voters on his record as a judge, and that no judge be required to run until eight years following his initial selection; and be it further

"Resolved, That the Congress of the United States initiate an amendment to the United States Constitution so that justices of the Supreme Court would likewise come before all the people of the nation every eight years for retention or rejection, as would all other federal judges; and be it further

"Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A letter from the vice chairman, Ohio-West Virginia Industry Committee on Air Pollution Abatement, Canton, Ohio, transmitting a copy of an act adopted by the General Assembly of the State of Ohio, relating to an Ohio-West Virginia interstate compact to control air pollution; to the Committee on the Judiciary.

A letter from the associate city attorney, Atlanta, Ga., transmitting, for the information of the Senate, copies of petitions, answers, and demurrers in certain cases relating to waters being flooded into the system of drains in the city of Atlanta; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with an amendment:

S. 510. A bill providing for full disclosure of corporate equity ownership of securities under the Securities and Exchange Act of 1934 (Rept. No. 550); and

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with amendments:

S. 1985. A bill to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance, and for other purposes (Rept. No. 549).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1763. A bill to promote the economic development of Guam (Rept. No. 551).

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 9960. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 548).

AUTHORIZATION TO PRINT ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "PLANNING-PROGRAMING-BUDGETING: OFFICIAL DOCUMENTS"—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Government Operations, reported the